



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING April 15, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 15th of April, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 7 members present: Daryl Anderson, Chris Kosmicki, Ken Kozisek, Randy Kauk, Jack Reimers, Jeff Christensen, and Terry Spilinek. Those absent were: Dave Sack and Ron Kulwicki. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, Molly Tebo, Zoning Secretary, and members of the public including: Lana Bushhousen, David Sprague, Reg Roth, and Tamara Roth.

The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Chris Kosmicki and seconded by Jack Reimers to approve the minutes of the March 18, 2015 meeting. The motion carried on unanimous voice vote.

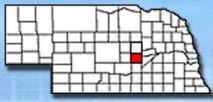
Administrator Klinginsmith informed the board she sent in the application to become a Livestock Friendly County (LFC) to the Nebraska Department of Agriculture (NDA). Steve Martin from the NDA is reviewing the application and sent an e-mail to Klinginsmith asking for further clarification regarding the setback distance regulations and the timeframe for scheduling a hearing when a Conditional Use Permit application is received. Cherri will respond to his e-mail. Mr. Martin stated the Governor won't have time for designations until June at the earliest.

At 8:05 p.m. the public hearing regarding the update of zoning regulations pertaining to the Matrix for Land Use, definitions for Home Occupations and A-2 (Agricultural-Transitional District) for multi-family and two-family dwellings, and A-3 (Agricultural Conservation District) wording for yard regulation setbacks for farm and Commercial Feeding Operations was opened. Administrator Klinginsmith read the Notice of Hearing. Cherri stated she added the following to the Matrix and the A-2 regulations:

- Condominium – added C for Conditional Use under A-2
- Dwelling, multi-family – added C for Conditional Use under A-2
- Dwelling, two-family – added non-ag and C for Conditional Use under A-2

Additional wording was added to the Home Occupation definition to include an accessory building on the same zoning lot for business activities.

The last change was under A-3 Yard Regulations. A Commercial Feeding Nuisance Easement Waiver was adopted into the A-1, A-2 and A-3 regulations in previous meetings, but the wording under A-3 yard regulations was repetitive. The wording will be replaced with the wording used in the A-1 and A-2 regulations.



Howard Planning and Zoning Minutes



There was no testimony for or against the updates. A motion was made by Jeff Christensen to approve the updates to the zoning regulations and seconded by Randy Kauk. The motion carried on unanimous voice vote 7-0. A finding of Fact was completed (copy attached).

At 8:19 p.m. the public hearing regarding a Conditional Use Permit (CUP) application by Eagle Heart Ranch, Inc. (Reg and Tamara Roth), located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of 27-16-9 and part of the SW $\frac{1}{4}$ of 26-16-9 and part of the NW $\frac{1}{4}$ of 35-16-9 and part of the NE $\frac{1}{4}$ of 34-16-9, was opened. Administrator Klinginsmith read the Notice of Hearing. Reg Roth stated he wants to move from a farm feedlot to a Class I feedlot. The Commercial Feedlot Nuisance Easement form has been signed by the Roth's and their neighbors.

David Sprague spoke in opposition stating he had concerns regarding quality of air and water concerns. He also stated the odor and flies are getting worse. He stated the Roth's were in violation of the county regulations. Administrator Klinginsmith stated as a rebuttal that the Roth's were not aware of the county regulations but are working with the Department of Environmental Quality (DEQ) and the Planning and Zoning Office and have rectified the situation. Lana Bushhousen spoke in favor of the application and disagreed with Mr. Sprague's comment regarding the odor and flies getting worse. She stated what the Roth's are trying to do is good for economic development.

A motion was made by Daryl Anderson to approve the CUP application by Eagle Heart Ranch. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

At 8:38 p.m. the public hearing regarding rezoning property from A-3 (Agricultural Conservation District) to A-1 (Agricultural District) north of Highway 58 northward following the Big Slough Floodplain due to floodplain changes was opened. Administrator Klinginsmith read the Notice of Hearing. Cherri stated when FEMA updated the floodplain area in July 2014, this included all the research completed regarding the Big Slough area. Therefore, the A-3 area should follow the floodplain line to be consistent with the other A-3 areas in the county.

A motion was made by Jeff Christensen to rezone said property from A-3 to A-1 to follow the floodplain map. Ken Kozisek seconded the motion and the motion carried by unanimous voice vote 7-0. A Finding of Fact was completed (copy attached).

A discussion was held regarding Bill and Rose Dixon's request for clarification on rural residents being able to request a quarter mile setback from a manure application if their residence was in existence prior to November 2009. Administrator Klinginsmith checked with Dave Schroeder, County Attorney, and he is in agreement with the Zoning Board interpretation that only residents of homes prior to November 2009 (persons living in the home prior to 2009) will be able to ask for a quarter mile setback.

At 9:04 p.m., a motion was made by Jeff Christensen and seconded by Chris Kosmicki to adjourn. The motion carried by unanimous voice vote. The next meeting will be scheduled for May 20, 2015.

Molly Tebo, Secretary